

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**KELLY OTT; NANCY LUEBBEN; and
BENJAMIN GESLER**, on behalf of themselves
and all others similarly situated,

Plaintiff,

v.

**MORTGAGE INVESTORS
CORPORATION OF OHIO, INC.**, an Ohio
corporation, also doing business as
**MORTGAGE INVESTORS
CORPORATION, AMERIGROUP
MORTGAGE CORPORATION,
VETERANS INFORMATION
DEPARTMENT and VETERANS HOME
LOANS; WILLIAM EDWARDS**, individually;
JEFFREY CRILLEY, individually; **JAMES
SHATZ**, individually; and **JOHN WESLEY
BAILEY III**, individually,

Defendants.

NO. 3:14-cv-00645-ST

**ORDER GRANTING LEAVE TO
FILE SECOND AMENDED
COMPLAINT AND TERMINATING
WITHDRAWN MOTIONS**

CLASS ACTION

DEMAND FOR JURY TRIAL

Magistrate Judge Janice M. Stewart

This matter comes before the Court on the parties' Joint Status Report. Having reviewed the Joint Status Report, the Court ORDERS as follows:

1. Consistent with the parties' agreement, Plaintiffs are granted leave to file their Second Amended Complaint. Fed. R. Civ. P. 15(a)(2). This filing will not restart or impact any deadlines.
2. Defendants' motion to dismiss (Docket No. 33) and Defendant Mortgage Investors Corporation of Ohio, Inc.'s ("MIC") Motion to Strike Class Allegations (Docket No. 51) are deemed to address Plaintiffs' Second Amended Complaint and do not need to be re-filed.

3. MIC joins the arguments made by Defendants Edwards, Crilley, Shatz, and Bailey in Section IV.B of their motion to dismiss for failure to state a claim (Docket No. 33).

4. MIC has withdrawn its motion to dismiss under the first-to-file rule (Docket No.27) and motion to strike confidential material (Docket No. 25). The Clerk is respectfully directed to terminate those motions.

5. MIC's motion for protective order (Docket No. 55) is moot because Plaintiffs have withdrawn their discovery requests.

6. The parties shall file a joint status report that includes a proposed case schedule within seven business days after the later of the Court's rulings on the pending motion to dismiss (Docket No. 33), motion to strike class allegations (Docket No. 51), motion for involuntary dismissal (Docket No. 57), and motion to extend deadlines (Docket No. 63).

Dated this 26th day of September, 2014.

s/ Janice M. Stewart_____
UNITED STATES MAGISTRATE JUDGE